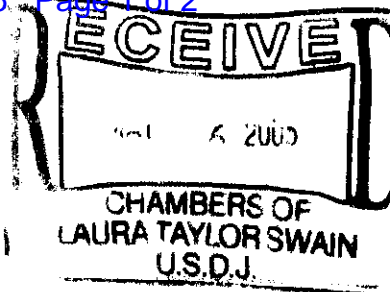


COURTESY COPY

Peter A. Bellacosa (PB-2394)
 KIRKLAND & ELLIS LLP
 Citigroup Center
 153 East 53rd Street
 New York, New York 10022-4611
 Telephone: (212) 446-4800
 Facsimile: (212) 446-4900

*Attorneys for Defendants
 Research in Motion Limited and
 Research in Motion Corporation*

Of Counsel:

Linda S. Resh
 Craig D. Leavell
 Jared Hedman
 Ramya Ravindran
 KIRKLAND & ELLIS LLP
 200 East Randolph Drive
 Chicago, Illinois 60601
 Telephone: (312) 861-2000
 Facsimile: (312) 861-2200

MEMO ENDORSED

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

EATONI ERGONOMICS, INC.,

Plaintiff,

v.

RESEARCH IN MOTION LIMITED and
 RESEARCH IN MOTION CORPORATION,

Defendants.

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Case No.: 05 CV 04393 (LTS) (FM)

ECF CASE

NOTICE OF MOTION

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 7/8/05

PLEASE TAKE NOTICE that, upon the attached Declaration of Craig D. Leavell, sworn to on May 24, 2005, and the exhibit attached thereto, the Declaration of Brian Rivers, sworn to May 23, 2005, and the exhibits attached thereto, and the accompanying memorandum in support, the undersigned will move before the Honorable Laura T. Swain, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 40 Centre Street, New York, NY, for an order to dismiss, or in the alternative stay, this action pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) for lack of subject matter jurisdiction and failure to state a claim under the first-to-file doctrine.¹

¹ RIM files this Motion in lieu of an Answer to Eatoni's complaint as permitted by Federal Rule of Civil Procedure 12.

Faxed
 Copies mailed Attys/Depts 7/8/05
 Chambers of Judge Swain

Dated: May 25, 2005

Peter A. Bellacosa

Peter A. Bellacosa (PB 2394)

KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Of Counsel:

Linda S. Resh
Craig D. Leavell
Jared Hedman
Ramya Ravindran
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
Telephone: (312) 861-2000
Facsimile: (312) 861-2200

*Attorneys for Defendants
Research in Motion Limited and
Research in Motion Corporation*

The foregoing motion is granted to the extent that this action is stayed pending resolution of the motion to dismiss ^{or transfer} the Tepas action. Counsel shall make a written report to the court on the status of the Tepas action by September 16, 2005. The initial pretrial conference is adjourned pending further order of the Court.

SO ORDERED.

Laura Taylor Swain
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE